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**FILED**

**FEB -5 2016**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

*slm*

7 **U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN JOSE DIVISION**

9 *C/EJD*

10		)	Case No: CV12-03237-EJD
11	SECURITIES AND EXCHANGE	)	
12	COMMISSION,	)	
13	v.	)	FEATHERS' OPPOSITION TO
14	SMALL BUSINESS CAPITAL CORP., ET AL	)	RECEIVER'S MOTION <del>OF RECEIVER</del> <i>MC</i>
15	DEFENDANTS.	)	FOR APPROVAL OF SALE OF 7(A)
16		)	LOAN PORTFOLIO, SREVICING
		)	RIGHTS AND SBLC LICENSE (Dkt. 1132)

17 Of course Feathers is opposed to the sale of the Small Business Lending Company license and  
18 other assets from the receivership estate. Why? There are several reasons:

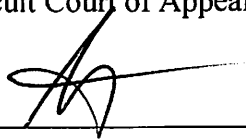
- 19 1. Investors have submitted pleadings by the many score in this lawsuit opposing the sale of  
20 their unique, and very limited issue license. With some fifty percent, or more, of investors  
21 responding on this issue with their opposition statements attached to Feathers' prior  
22 opposition filings (showing an overwhelming margin of over 9:1 their desire to keep their  
23 license). Why are their California and constitutional property rights not respected by the  
24 receiver and this court? These sworn pleadings are on this court's docket list. This is not the  
25 first time that Feathers has brought these issues up regarding the sale of their property.
- 26 2. There is no equivocation, because their cannot be, that SEC's Enforcement CPA, Roger D.  
27 Boudreau, provided material false sworn accounting testimony which SEC asked this court to  
28 rely upon in SEC's *ex parte prima facie* hidden complaint. Hundreds of sworn declarations  
from fund investors attest to their believe in the gross injustice which is occurring here. When

1 will this court recognize what is apparent to those who are most affected here? When will this  
2 agency be held accountable for the material false accounting presentations of their  
3 Enforcement Division CPA.

- 4 3. Feathers has submitted a class action lawsuit against Boudreau alleging, and demonstrating on  
5 a *prima facie* basis with SEC's own admissions, Boudreau's very serious violations of  
6 Generally Accepted Accounting Principles, and, or Generally Accepted Audit Standards; see  
7 *Mark Feathers, et al, v. Roger D. Boudreau, CPA*, CV16-00529-EJD, and which have  
8 brought great harm to defendants by way of Boudreau's violations of the 4<sup>th</sup> and 5<sup>th</sup>  
9 amendments to the Bill of Rights of the United States Constitution.

10 Had the defendants been public companies or a Wall Street Firm, this lawsuit (1) would have  
11 never been presented to this court, and, or, if it was, (2) SEC and its enforcement CPA would  
12 be mocked and ridiculed in the press, and SEC executives would have by now found  
13 themselves in front of a Congressional inquiry due to their Enforcement CPAs failing to  
14 adhere, respect, or practice basic and rudimentary public accounting requirements, such as  
15 properly reading a statement of cash flows from a CPA audited financial statement.

16 Should the court approve the Receiver's request to sell these assets, Feathers requests a brief  
17 period time from this court <sup>an</sup> ~~in~~ opportunity to file a TRO request in *Mark Feathers, et al, v.*  
18 *Roger Boudreau*, and for Feathers to concurrently appeal this issue for a stay on the sale of  
19 these assets with the United States 9<sup>th</sup> Circuit Court of Appeal.

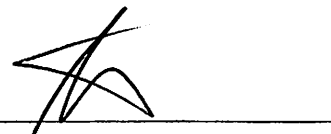
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21 Dated: February 6, 2016

22 Mark Feathers, in Pro Per

23  
24 **Proof of Service:** On this date I have emailed all copies of this pleading to parties of record.

25  
26  
27 **Declaration:** I swear all matters here I believe to be the truth.

28   
Mark Feathers